
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the federal REAL ID
2 Act of 2005, Pub. L. No. 109-13, requires states to comply with
3 federally mandated eligibility criteria in issuing driver's
4 licenses, including the requirement of proof of lawful presence
5 in the United States. Accordingly, a person who does not submit
6 satisfactory proof of the person's legal presence in the United
7 States, as authorized by federal law, cannot legally operate a
8 motor vehicle. The REAL ID Act, however, specifically allows
9 states to issue driver's licenses that do not comply with the
10 minimum federal use requirements and standards of the REAL ID
11 Act, a critical exception. Since 2010 when the State
12 implemented the restrictive identification requirements for
13 driver's licenses, a significant number of residents are now
14 unable to carry out necessary daily activities unless they
15 operate motor vehicles without a license, and therefore, without
16 insurance.

17 The heightened requirements unduly burden elderly
18 residents, houseless individuals, undocumented immigrants,



1 lawfully present nonimmigrants, and survivors of gender-based
2 violence. The lack of access to licensure hinders the ability
3 to drive safely, legally, and insured to work, to church, to run
4 errands, to drop children off to school and drive them to
5 medical appointments. Women in particular are
6 disproportionately impacted by these requirements because they
7 are often the primary caretakers of children.

8 In recent years, there has been a significant increase in
9 state efforts to expand access to driver's licenses for persons
10 who cannot provide proof of authorized presence in the United
11 States. Several states now grant access to a driver's license
12 regardless of immigration status and only require that the
13 applicant establish evidence of current residency in the
14 respective state.

15 The legislature further finds that the lack of access to
16 driver's licensure as a result of restrictive identification
17 requirements poses a serious threat to public safety. Allowing
18 all age-qualifying residents to obtain driver's licenses will
19 improve public safety by ensuring that all drivers are tested
20 for driving skills and able to acquire motor vehicle insurance.



1 It is not the intent of this Act to jeopardize the State's
 2 compliance with the REAL ID Act of 2005 or the receipt of any
 3 federal grants or funding. Issuing restricted driver's licenses
 4 clearly marked as not acceptable for federal identification
 5 purposes for the limited purpose of driving a motor vehicle, is
 6 permissible and will not jeopardize the State's eligibility for
 7 federal grants or funding.

8 The purpose of this Act is to create a limited purpose
 9 driver's license, limited purpose provisional driver's license,
 10 and limited purpose instruction permit for all age-eligible
 11 drivers; provided that all other qualifications for such
 12 licensure or permitting are met, including satisfactory proof of
 13 identity and proof of Hawaii residency.

14 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
 15 amended by adding a new section to part VI to be appropriately
 16 designated and to read as follows:

17 "§286- Limited purpose driver's license, limited purpose
 18 provisional driver's license, and limited purpose instruction
 19 permit; requirements; limitations. (a) The examiner of drivers
 20 shall not decline to issue a driver's license, provisional
 21 driver's license, or instruction permit to any applicant who



1 meets all other requirements to obtain a driver's license under
2 this part but who cannot establish legal presence in the United
3 States or does not have a social security number; provided that
4 the applicant:

5 (1) Submits proof of residency in the State;
6 (2) Submits either two forms of primary proof of identity
7 or one form of primary proof of identity and one form
8 of secondary proof of identity; and

9 (3) Files an affidavit with the examiner of drivers
10 attesting that the applicant has filed an application
11 to legalize the applicant's immigration status or will
12 file an application as soon as eligible to do so.

13 Any form of primary proof of identity, secondary proof of
14 identity, or proof of residency submitted to the examiner of
15 drivers that is in a language other than English shall be
16 accompanied by a certified English translation prepared by a
17 translator approved by the examiner of drivers.

18 (b) The examiner of drivers shall not issue a driver's
19 license under this section to any applicant who has been
20 convicted of any felony in Hawaii.



1 (c) Any driver's license, provisional driver's license, or
2 instruction permit issued pursuant to this section shall include
3 an indication on the license or permit that the license or
4 permit shall not be acceptable for federal identification
5 purposes.

6 (d) No driver's license, provisional driver's license, or
7 instruction permit issued pursuant to this section shall be used
8 as identification for voting purposes.

9 (e) The examiner of drivers shall place a restriction on
10 each driver's license, provisional driver's license, or
11 instruction permit issued pursuant to this section, indicating
12 that the driver's license, provisional driver's license, or
13 instruction permit is "for driving purposes only".

14 (f) Any driver's license issued under this section shall
15 expire three after the date of issuance and may be renewed every
16 three years thereafter. The examiner of drivers shall not renew
17 any driver's license issued under this section unless the
18 licensed person makes personal appearance and demonstrates proof
19 of residency at the time of renewal.

20 (g) As used in this section:

1 "Primary proof of identity" means documentation indicating
2 the identity of an applicant for a driver's license, provisional
3 driver's license, or instruction permit in the form of:

4 (1) A valid foreign passport issued by an applicant's
5 country of citizenship that is unexpired or expired
6 for not less than three years before the submission of
7 the application;

8 (2) A valid, unexpired consular identification document
9 issued by an applicant's country of citizenship; or

10 (3) A consular report of an applicant's birth in a foreign
11 country.

12 "Secondary proof of identity" means documentation
13 indicating the identity of an applicant in the form of:

14 (1) A valid, unexpired motor vehicle operator's license,
15 with security features, issued by another state or
16 country;

17 (2) A valid foreign voter registration card;

18 (3) A certified copy of a marriage certificate issued by
19 any state or territory of the United States, or any
20 political subdivision thereof, including any county,
21 city, or town;

- 1 (4) A certified school transcript; or
- 2 (5) A baptismal certificate or any similar document.

3 "Proof of residency" means a piece of mail or electronic
4 mail that includes an applicant's name and address, indicates
5 that the applicant resides in the State and is dated, unless
6 otherwise indicated, not earlier than ninety days before
7 submission of an application. Proof of residency shall be made
8 from any two of the following sources:

- 9 (1) A bill from a bank or mortgage company, utility
10 company, credit card company, doctor, or hospital;
- 11 (2) A bank statement or bank transaction receipt showing
12 the bank's name and mailing address;
- 13 (3) A preprinted pay stub;
- 14 (4) A property or excise tax bill dated not earlier than
15 twelve months before such application;
- 16 (5) An annual benefits summary statement from the Social
17 Security Administration or other pension or retirement
18 plan dated not earlier than twelve months before such
19 application;
- 20 (5) A Medicaid or Medicare benefit statement;



- 1 (6) A current homeowner's insurance or renter's insurance
- 2 policy or motor vehicle insurance card or policy dated
- 3 not earlier than twelve months before the application;
- 4 (7) A residential mortgage or similar loan contract,
- 5 lease, or rental contract showing signatures from all
- 6 parties needed to execute the agreement dated not
- 7 earlier than twelve months before such application;
- 8 (8) Any postmarked mail;
- 9 (9) A change of address confirmation from the United
- 10 States Postal Service indicating an applicant's
- 11 current and prior address;
- 12 (10) A survey of an applicant's real property issued by a
- 13 licensed surveyor; or
- 14 (11) Any official school records showing enrollment."

15 SECTION 3. Section 286-102, Hawaii Revised Statutes, is
 16 amended by amending subsection (a) to read as follows:

- 17 "(a) No person, except one [exempted];
- 18 (1) Exempted under section 286-105 [~~one who~~];
- 19 (2) Who holds an instruction permit under section
- 20 286-110 [~~one who~~];

- 1 (3) Who holds a limited purpose license, limited purpose
- 2 provisional license, limited purpose instruction
- 3 permit under section 286- ;
- 4 (4) Who holds a provisional license under section
- 5 286-102.6 [~~one who~~];
- 6 (5) Who holds a commercial driver's license issued under
- 7 section 286-239 [~~one who~~]; or
- 8 (6) Who holds a commercial driver's license instruction
- 9 permit issued under section 286-236,
- 10 shall operate any category of motor vehicles listed in this
- 11 section without first being appropriately examined and duly
- 12 licensed as a qualified driver of that category of motor
- 13 vehicles."

14 SECTION 4. Section 286-110, Hawaii Revised Statutes, is

15 amended by amending subsection (a) to read as follows:

16 "(a) Any person aged fifteen years and six months or more

17 who, except for the person's lack of instruction in operating a

18 motor vehicle, would be qualified to obtain a driver's license

19 issued under this part may apply for a temporary instruction

20 permit or a limited purpose instruction permit at the office of

21 the examiner of drivers in the county in which the applicant

1 resides; provided that the applicant complies with section
2 286-102.5."

3 SECTION 5. Section 286-111, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Every application for an instruction permit,
7 provisional license, [~~or~~] driver's license, limited purpose
8 driver's license, limited purpose provisional driver's license,
9 or limited purpose instruction permit shall be made upon a form
10 furnished by the examiner of drivers and shall be verified by
11 the applicant before a person authorized to administer oaths.
12 The examiner of drivers and officers serving under the examiner
13 may administer the oaths without charge. Each application for
14 an instruction permit for a category (1), (2), (3), or (4)
15 license shall be accompanied by a fee to be determined by the
16 council of each county, and each application for a provisional
17 license or driver's license shall be accompanied by the fee,
18 unless the applicant has already paid the fee upon application
19 for an instruction permit in the same county, in which event no
20 fee shall be charged. An additional fee to be determined by the
21 council of each county shall be charged and collected upon the



1 issuance of a provisional license or driver's license. All of
2 the foregoing fees shall become county realizations."

3 2. By amending subsection (e) to read:

4 "(e) [~~It~~] Except as provided in section 286- , if the
5 applicant is not eligible to receive a social security number,
6 the applicant shall submit, in lieu of providing proof of social
7 security number pursuant to subsection (d):

8 (1) A United States Social Security Administration letter
9 stating that the applicant is ineligible to obtain a
10 social security number; and

11 (2) Either:

12 (A) A government-issued photo identification
13 document; or

14 (B) Other identification documents as deemed
15 acceptable by the director."

16 SECTION 6. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect on January 1, 2016.



Report Title:

Drivers Safety Act; Motor Vehicle Licensing; Proof of Residency;
Proof of Identity; REAL ID Act of 2005

Description:

Creates a limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit. Provides that limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits shall not be acceptable for federal identification and voting purposes. Requires satisfactory proof of identity and Hawaii residency. Effective 1/1/2016. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

